

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

**WRIT PETITION Nos.26753, 26260, 26263, 26264, 26267,
26273, 26446, 26450, 26454, 26477, 26513, 26531, 26719,
26760, 26770 and 27156 2022**

COMMON ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Endowments and Sri J.R. Manohar Rao, learned Standing Counsel appearing for the respondent – Temple. Since the issue involved in all these writ petitions is common, all the writ petitions are disposed of through a common order.

2. In this batch of writ petitions, notices, dated 15.06.2022 issued by respondent No.3 alleging that the petitioners have constructed their houses illegally in the land belonging to the Endowments Department and have been residing in the said houses, and that the said action on the part of the petitioners in occupying the endowment land is contrary to law. Hence, they were required to vacate the same within a period of three days, failing which it was threatened that they will be evicted by the endowment officials within three days.

3. The said notices are assailed mainly on the ground that respondent No.3 has no such power under the Telangana Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short, 'the Act, 1987') and the only remedy available to

the respondents is to invoke the provisions under Section 83 of the Act, 1987 by instituting appropriate proceedings before the Endowments Tribunal.

4. Though respondent Nos.2 and 3 filed counter affidavit, there is no source of power is traced, under which the impugned notice came to be issued by respondent No.3.

5. On being asked, Sri J.R. Manohar Rao, learned Standing Counsel appearing for the respondent – Temple, and learned Government Pleader for Endowments also fairly conceded that the only remedy available for the respondents is under Section 83 of the Act, 1987 by instituting appropriate proceedings before the Endowments Tribunal and that the respondents cannot on their own evict the petitioners from the possession of their respective houses.

6. In view of the clear and undisputed legal position, the impugned notices shall be treated as a notice putting the petitioners on notice that they are in illegal occupation of the subject Temple land, and the respondents are not entitled to evict the petitioners on their own, without approaching the Endowments Tribunal, under Section 83 of the Act, 1987.

7. Accordingly, all these writ petitions are disposed of restraining the respondents from interfering with the peaceful possession and enjoyment of the petitioners over their respective

houses, except by initiating appropriate proceedings under Section 83 of the Act, 1987. It is made clear that in case, if the respondents intend to initiate any such proceedings for eviction of the petitioners from their respective houses, it is open for them to initiate such proceedings under Section 83 of the Act, 1987, by approaching the Endowments Tribunal. In case, if any such application or suit is filed under Section 83 of the Act, 1987, the Endowments Tribunal shall decide the same, on its own merits, in accordance with law.

Miscellaneous Petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

MUMMINENI SUDHEER KUMAR, J

Date:12.12.2022

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